

**ORDINANCE NO. 08-49**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 12-FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE THE HIALEAH EDUCATION ACADEMY LOCATED AT SLADE PARK, IN SUBSTANTIALLY THE FORM AS ATTACHED. **PROPERTY LOCATED INSIDE SLADE PARK, 2501 WEST 74 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of May 14, 2008 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The City of Hialeah, Florida grants a 12-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve the Hialeah Education Academy located at Slade Park. The property is located inside Slade Park, 2501 West 74 Street, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

A STRIP OF LAND 12.00 FEET WIDE BEING A PORTION OF TRACT 33, SECTION 27, TOWNSHIP 52 SOUTH, RANGE 40 EAST, FLORIDA FRUIT LAND'S COMPANY SUBDIVISION NO. 1, ACCORDING TO

THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF HIALEAH, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 33; THENCE SOUTH 02°36'11" EAST ALONG THE CENTERLINE OF WEST 16 AVENUE FOR A DISTANCE OF 35.03 FEET; THENCE NORTH 89°39'24" EAST FOR A DISTANCE OF 35.03 FEET TO THE NORTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY OF WEST 26 AVENUE; THENCE NORTH 89°39'24" EAST ALONG THE SOUTH RIGHT-OF-WAY OF WEST 76 STREET FOR A DISTANCE OF 52.50 FEET TO THE POINT OF BEGINNING OF SAID 12-FOOT EASEMENT; THENCE SOUTH 00°20'36" FOR 12 FEET TO THE SOUTH RIGHT-OF-WAY OF WEST 76 STREET; THENCE SOUTH 89°39'24" WEST FOR 12 FEET TO THE POINT OF BEGINNING OF SAID 12-FOOT EASEMENT.

**Section 2:     Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3:     Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

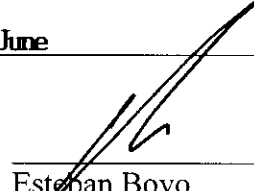
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 10th day of June, 2008.

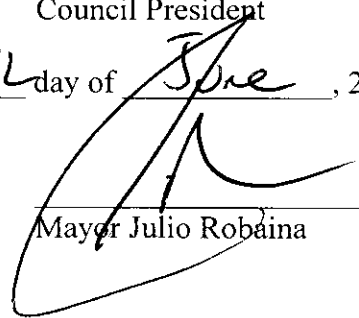
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

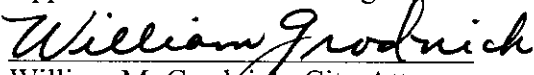
Attest:

Approved on this 14 day of June, 2008.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

S:\WMG\LEGISLAT\ORD\Ordinance 2008\FPLEasementsladepark.docx

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of \_\_\_\_\_ underground electric utility facilities (including wires, \_\_\_\_\_ cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 12 feet in width described as follows:

Reserved for Circuit Court

SEE EXHIBIT "A"

\*Exclusively for underground utilities;

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

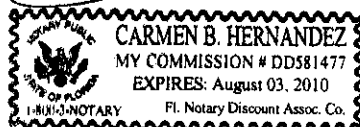
[Signature]  
(Witness' Signature)  
Print Name: Diana Hamblen  
(Witness)

[Signature]  
(Witness' Signature)  
Print Name: Sandra Garcia  
(Witness)

[Signature]  
City of Hialeah, Florida  
By: Mayor  
Print Name: Mayor Julio Robaina  
Print Address: 501 Palm Avenue  
Hialeah, Florida 33010  
Attest: [Signature]  
City Clerk  
Print Name: Rafael E. Granado  
Print Address: 501 Palm Avenue  
Hialeah, Florida 33010  
(Corporate Seal)

STATE OF Florida AND COUNTY OF Miami-Dade. The foregoing instrument was acknowledged before me this 13 day of June, 2008, by FPL, and City of Hialeah respectively the \_\_\_\_\_ President and \_\_\_\_\_ Secretary of \_\_\_\_\_, a \_\_\_\_\_ corporation, on behalf of said corporation, who are personally known to me or have produced \_\_\_\_\_ as identification, and who did (did not) take an oath.

My Commission Expires:



[Signature]  
(Type of Identification)  
Notary Public, Signature  
Print Name: Carmen B. Hernandez

Approved as to form and legal sufficiency:

[Signature]  
William M. Grodnick  
City Attorney

06-10-08  
12/2/08

EXHIBIT "A"

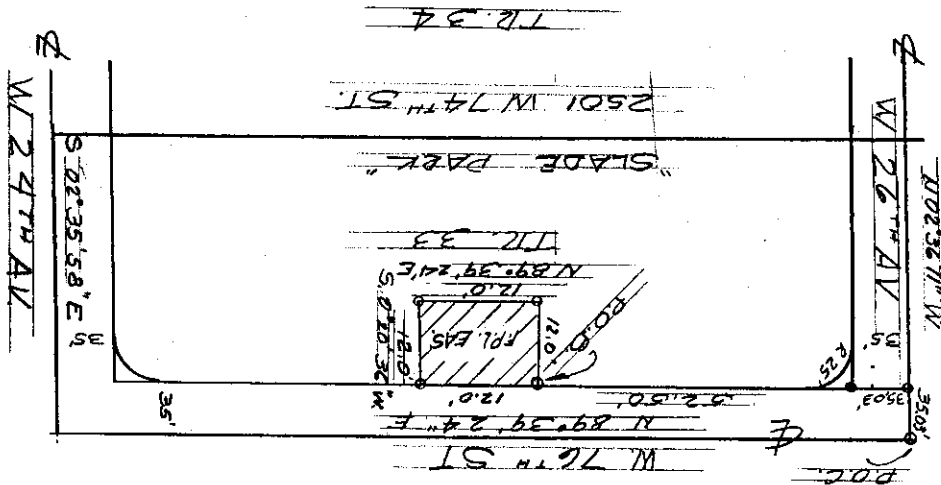
LEGAL DESCRIPTION OF AN EASEMENT TO BE GRANTED TO THE "FLORIDA POWER AND LIGHT COMPANY" IN "SLADE PARK" 2501 WEST 74<sup>TH</sup> STREET IN HIALEAH FLORIDA.

A strip of land 12 feet wide being a portion of tract 33 in Section 27, Township 52 South, Range 40 East, "Florida Fruit Land's Company Subdivision Number 1" according to the Plat thereof, as recorded in Plat Book 2 at Page 17, of the Public Records of Miami-Dade County, Florida. Also known as "Slade Park" 2501 W. 74<sup>th</sup> St., more particularly described as follows:

Commencing at the Northwest corner of said tract 33; thence South 02-36-11 East along the centerline of West 26<sup>th</sup> Avenue 35.03 feet; thence North 89-39-24 East 35.03 feet to the northerly prolongation of the east right of way of West 26<sup>th</sup> Avenue; thence North 89-39-24 East along the south right of way of West 76<sup>th</sup> Street 52.50 feet to the Point of Beginning of said 12 feet easement; thence South 00-20-36 East 12.00 feet; thence North 89-39-24 East 12.00 feet; thence North 00-20-36 West 12.00 feet to the south right of way of West 76<sup>th</sup> Street; thence South 89-39-24 West 12.00 feet to the Point of Beginning of said 12 feet easement.

SKETCH OF LEGAL

Not to scale



Work Request No. \_\_\_\_\_

Sec. 27, Twp 52 S, Rge 40 E

Parcel I.D. \_\_\_\_\_  
(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 7/94

## EASEMENT

This Instrument Prepared By

Name: Slade Park  
Co. Name: Florida Power & Light Company  
Address: 2501 West 74 Street  
Hialeah, Florida

pg 1 of 2



CFN 2008R0507933  
OR BK 26440 Pas 2096 - 20977 (2pas)  
RECORDED 06/19/2008 15:57:06  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

[Signature]  
(Witness' Signature)  
Print Name: Diana Hamblen  
(Witness)

City of Hialeah, Florida  
By: Mayor  
Print Name: Mayor Julio Robaina

Print Address: 501 Palm Avenue  
Hialeah, Florida 33010

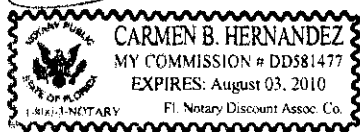
Attest: [Signature]  
City Clerk  
Print Name: Rafael E. Granado

Print Address: 501 Palm Avenue  
Hialeah, Florida 33010  
(Corporate Seal)

[Signature]  
(Witness' Signature)  
Print Name: Sandra Garcia  
(Witness)

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My Commission Expires:



[Signature]  
(Type of Identification)  
Notary Public, Signature  
Print Name: Carmen B. Hernandez

Approved as to form and  
legal sufficiency:

William Grodnick  
William M. Grodnick  
City Attorney

2008-06-19-49

EXHIBIT "A"

LEGAL DESCRIPTION OF AN EASEMENT TO BE GRANTED TO THE "FLORIDA POWER AND LIGHT  
COMPANY" IN "SLADE PARK" 2501 WEST 74<sup>TH</sup> STREET IN HIALEAH FLORIDA.

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SKETCH OF LEGAL

Not to scale

